

REMARKS

The application is believed to be in condition for allowance.

Should the pending rejection not be withdrawn, it is requested that the undersigned attorney be contacted in order to conduct an in-person interview. However, as withdrawal of the rejection is clearly indicated, the interview does not appear to be necessary at this time.

The specification has been amended to add section headings and as to form.

There are no further formal matters pending.

Claims 1-10 send rejected as obvious over REBER et al. 5,969,606.

Claim 1 recites a work cabinet having walls whose inside surfaces delimit a work space ... which the Official Action reads onto work cabinet 24, Figure 1.

Claim 1 also recites i) a first communication device outside the work space and with an antenna, and ii) a second communication device to be associated with an object in the work space.

For the object and second communication device, the Official Action appears to offer food item 20 and attached electronic tag 30. See Figure 1 and Figure 5. Figure 5 shows a receiver and transmitter within tag 30.

For the recited first communication system, a first communication device 40 outside the work space (Figures 1, 6) is identified by the Official Action.

However, see that Figure 6 shows that element 40 is only an indicator and that block 32 is the tag communication device itself. Although not numbered in Figure 1, tag device 32 is clearly shown to be within work cabinet 24; that is, shown mounted in the upper right corner of the work cabinet 24.

As clearly illustrated, any antenna associated with tag device 32 is also located within work cabinet 24.

Thus, the recitation of a first communication device outside the work space is not taught or suggested. Clearly, the teaching is to place the tag device 32 within the work space. Thus, the reference teaches away from the claim.

Claim 1 also recites "wherein at least a part of one of said walls of said work cabinet is transparent to a radio frequency used by said antenna, said antenna being separated from said work space by said at least a part of one of said walls."

As noted, REBER et al. do not teach the first communication system antenna as being outside the work space. Rather, the teaching is clearly to have the communication portions, including the antenna, of tag device 32 within the inside of the work cabinet. As such, REBER et al. also do not teach or suggest the work cabinet having a wall part that is

transparent to a radio frequency used by said antenna, and the antenna being separated from said work space by this transparent wall part.

There is no reason to have the recited structure as REBER et al. position the communication portions of the tag device 32 within the work cabinet.

On page 3 of the Official Action, it appears that the recitations concerning the location of the antenna and the construction of the transparent wall part is considered functional language.

This is incorrect. The recitations are clearly structural language.

Further, the cites to *In re Casey* and *In re Otto* are misplaced as claim 1 is not drawn to a process of making but rather to an apparatus.

Claims 2-5 also recite structural features which are not intended use recitations. Since the Official Action has acknowledged that REBER et al. do not teach any of these recitations, these claims should be allowed in their own right.

Reconsideration and allowance of claims 1-8 are therefore solicited.

As to claims 9 and 10, REBER et al. do not teach the recited RF transparent wall part and an antenna outside the work space and separated from the work space by the RF transparent

wall part. Indeed, as discussed above, REBER et al. teach away from this structure.

Accordingly, withdrawal of the rejection and allowance of claims 9-10 are respectfully requested.

In view of the above, applicants believe that the present application is in condition for allowance and an early indication of the same is respectfully requested.

Again, should the pending rejection not be withdrawn, it is requested that the undersigned attorney be contacted in order to conduct an in-person interview.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

Respectfully submitted,

YOUNG & THOMPSON



Roland E. Long, Jr., Reg. No. 41,949
745 South 23rd Street
Arlington, VA 22202
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

REL/lrs